

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**JANICE HARGROVE WARREN**

**PLAINTIFF**

**v.**

**No. 4:19-cv-00655-BSM**

**CHARLES MCNULTY, et al.**

**DEFENDANTS**

**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S  
SECOND AMENDED PRETRIAL DISCLOSURES**

Comes now Defendants, by and through its attorneys, Bequette, Billingsley & Kees, P.A., respectfully submits this Motion to Strike Plaintiff's Untimely Filed Second Amended Pretrial Disclosures, states:

1. On the eve of trial, Friday, February 11, 2022, Plaintiff filed a Second Amended Pretrial Disclosure. The most substantive change in this untimely filing is the disclosure of twenty-five documents (Plaintiff bates nos. 780-805) and a new witness, Kimala Forrest.
2. The twenty-five new documents appear to be documents previously provided by the District as part of its ongoing responses to Plaintiff's Freedom of Information Act ("FOIA"), but after the discovery deadline. *See* ECF Doc. No. 124-125.
3. As the Court has made clear, FOIA requests are not discovery. *See* ECF Doc. No. 134.
4. Plaintiff has untimely disclosed documents and a new witness and they should all be excluded from trial pursuant to the Court's Scheduling Order regulating the disclosure of documents, witnesses and evidence.

WHEREFORE, Defendants prays that the Court grant its Motion to Strike Plaintiff's Untimely Filed Second Amended Pretrial Disclosures, and for all other proper relief to which it may be entitled.

Respectfully submitted,

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